

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
KEISHA K. MATTHEWS
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
Keisha_Matthews@fd.org
6

7 Attorney for Jeremy James Johnston

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JEREMY JAMES JOHNSTON,
15 Defendant.

Case No. 2:22-mj-00926-BNW

**STIPULATION TO CONTINUE
BENCH TRIAL
(First Request)**

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Christopher Burton, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Keisha K. Matthews, Assistant Federal Public Defender, counsel for Jeremy James Johnston,
21 that the bench trial currently scheduled on February 8, 2023, at the hour of 9:00 a.m., be vacated
22 and continued to a date and time convenient to the Court, but no sooner than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

- 24 1. There is outstanding discovery.
25 2. The parties need additional time to prepare for trial and consider potential non-
26 trial dispositions.

3. The defendant is out of custody and agrees with the need for the continuance.

4. The parties agree to the continuance.

This is the first request for a continuance of the bench trial.

DATED this 3rd day of February, 2023.

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Keisha K. Matthews
By _____

KEISHA K. MATTHEWS
Assistant Federal Public Defender

/s/ Christopher Burton
By _____

CHRISTOPHER BURTON
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY JAMES JOHNSTON,

Defendant.

Case No. 2:22-mj-00926-BNW

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. There is outstanding discovery.
2. The parties need additional time to prepare for trial and consider potential non-trial dispositions
3. The defendant is out of custody and agrees with the need for the continuance.
4. The parties agree to the continuance.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, February 8, 2023, at 9:00 a.m., be vacated and continued to April 19, 2023 at 9:00 a.m.

DATED this 6th day of February, 2023



UNITED STATES MAGISTRATE JUDGE